



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Eighth Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. §§ 2620; 2623; 2942]**

<b>Age: 65</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB: 5-25-46</b>			
		Account period: 12-3-09 through 12-5-11	
		Accounting: \$141,067.25	
		Beginning POH: \$41,019.74	
		Ending POH: \$25,868.13	
		Conservator: \$1,532.80	
		(10.90 Deputy hours @ \$96/hr and	
		6.4 staff hours @ \$76/hr)	
		Attorney: \$2,000.00 (per local rule)	
		Bond fee: \$373,72	
		<b>Petitioner prays for an order:</b>	
		1. Approving, allowing and settling the	
		eighth account;	
		2. Authorizing the conservator and	
		attorney fees and commissions;	
		3. Payment of the bond fee; and	
		4. Any other orders that the Court	
		considers proper.	
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 4-5-12	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 1 - Sisk</b>	

<b>Aff.Sub.Wit.</b>	
✓ <b>Verified</b>	
<b>Inventory</b>	
<b>PTC</b>	
<b>Not.Cred.</b>	
✓ <b>Notice of Hrg</b>	
✓ <b>Aff.Mail</b>	W
<b>Aff.Pub.</b>	
<b>Sp.Ntc.</b>	
<b>Pers.Serv.</b>	
<b>Conf. Screen</b>	
<b>Letters</b>	
<b>Duties/Supp</b>	
<b>Objections</b>	
<b>Video Receipt</b>	
<b>CI Report</b>	
<b>2620(c)</b>	
✓ <b>Order</b>	
<b>Aff. Posting</b>	
<b>Status Rpt</b>	
<b>UCCJEA</b>	
<b>Citation</b>	
<b>FTB Notice</b>	

			NEEDS/PROBLEMS/COMMENTS:  Examiner Notes will not be prepared for this matter.	
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
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Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
				Updates:
				Contacts:
			Recommendation:	
			Reviewed by: skc	
			File 2A - Lemos	

## (1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney and (3) for Dispensation of Further Accounts [Prob. C. §§ 2620; 2623; 2628(b); 2942]

Age: 72 DOB: 02/11/40		PUBLIC GUARDIAN, Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 09/22/09 – 12/23/11	
		Accounting - \$2,237.41	
Cont. from		Beginning POH - \$886.13	
	Aff.Sub.Wit.	Ending POH - \$1,327.41	
✓	Verified		
	Inventory	Conservator - \$764.20 (6.10	
	PTC	Deputy hours @ \$96/hr. and 2.35 Staff	
	Not.Cred.	hours @ \$76/hr.)	
✓	Notice of Hrg	Attorney - \$2,000.00	
✓	Aff.Mail	(Per Local Rule)	
	Aff.Pub.	Petitioner requests that due to the	
	Sp.Ntc.	insufficiency of the estate to pay the fees	
	Pers.Serv.	and commissions that a lien be imposed	
	Conf. Screen	upon the estate for any unpaid balances of	
	Letters	the authorized fees and commissions.	
	Duties/Supp	Petitioner states that the conservatorship	
	Objections	estate meets the requirements of Probate	
	Video Receipt	Code § 2628(b) to dispense with further	
	CI Report	accountings. Petitioner requests that the	
	2620(c)	Court dispense with further accountings as	
✓	Order	long as the conservatorship estate continues	
	Aff. Posting	to meet the requirements of Probate Code §	
	Status Rpt	2628(b).	
	UCCJEA	<b>Petitioner prays for an Order:</b>	Reviewed by: JF
	Citation	1. Approving, allowing and settling	Reviewed on: 04/05/12
	FTB Notice	2. Authorizing the conservator and	Updates:
		attorney fees and commissions;	Recommendation:
		3. Authorizing Petitioner to impose a	File 5 - Hernandez
		lien on the estate for any unpaid	
		balances of authorized fees and	
		commissions; and	
		4. Dispensing with further	
		accountings.	

## (1) First and Final Account and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and her Attorney and (3) Distribution

<b>DOD: 11/20/11</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The Itemization of services of Conservator reflects multiple occasions where time is billed for two deputies. The additional time billed for a second deputy is 8.7 hours @ \$96/hr. = \$835.20. It is unclear why two deputies were needed. The Court may require more information.
<b>Cont. from</b>		First & Final Account period: <b>08/11/11 – 11/20/11</b>	
	Aff.Sub.Wit.	Accounting - \$11,842.33	
✓	Verified	Beginning POH - \$11,842.33	
	Inventory	Ending POH - \$2,255.24	
	PTC	Subsequent to the Final Account period: <b>11/21/11 – 12/30/11</b>	
	Not.Cred.		
✓	Notice of Hrg	Accounting - \$14,830.51	
✓	Aff.Mail w/	Beginning POH - \$2,255.24	
	Aff.Pub.	Ending POH - \$10,090.55	
	Sp.Ntc.	Conservator - \$6,194.00 (57	
	Pers.Serv.	Deputy hours @ \$96/hr. and 9.5 Staff hours @ \$76/hr.)	
	Conf. Screen	Attorney - \$1,500.00 (Less than allowed per Local Rule)	
	Letters	Bond Fee - \$25.00 (ok)	
	Duties/Supp	Costs - \$1,206.00 (filing fees, certified copies)	
	Objections	Petitioner requests to distribute the remaining funds of \$1,165.55 as partial payment of conservatees outstanding credit card bill.	
	Video Receipt		
	CI Report		
	9202		
✓	Order	<b>Petitioner prays for an Order:</b>	
	Aff. Posting	1. Approving, allowing and settling the first and final account and subsequent to the Final Account;	
	Status Rpt	2. Authorizing the conservator and attorney fees and commissions;	
	UCCJEA	3. Authorizing payment of the bond fee and costs;	
	Citation	4. Authorizing distribution of the remaining assets (\$1,165.55) as partial payment of conservatees credit card bill.	
	FTB Notice		

Reviewed by: JF

Reviewed on: 04/05/12

Updates:

Recommendation:

File 6 - Slater

**Petition for Order Establishing Special Needs Trust [Prob. C. 3600-3613;  
Cal Rules of Cr 7.903 (c)]**

<b>Age: 20</b>		<b>JESUS SOTO</b> , a conserved adult, by his Conservator, <b>CLARA SOTO</b> , is Petitioner.  Mr. Soto is disabled and receives needs-based public benefits including SSI and Medi-Cal. He lives with his parents and his mother, Clara Soto, is his Conservator.  Mr. Soto will receive approx. \$36,996.25 from a personal injury settlement. Outright distribution of the settlement would eliminate Mr. Soto's eligibility for SSI and Medi-Cal. Therefore, Petitioner seeks to establish a "safe harbor" or Special Needs Trust under Probate Code §3602- 3613, and an order that Petitioner, through his guardian ad litem Clara Soto, is authorized to sign the proposed Special Needs Trust as grantor.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order 12-8-11:</b> Counsel informs the Court that they have been unable to obtain bond for any of the family members. Counsel requests a continuance.  <b>Minute Order 2-9-12:</b> Counsel informs the Court that he is waiting on an invoice from his client regarding a van, and he will be submitting a petition for the purchase of that van. Matter continued to 4-12-12.  <b>As of 4-5-12</b> , nothing further has been filed (since 8-19-11). The following issues remain:  1. Petitioner requests appointment without bond or bond in the amount of \$40,000.00. If bond is waived, the court may require deposit to a blocked account. If required, Examiner calculates that bond, including cost of recovery per Probate Code §2320(c)(4), should be \$41,916.75.  2. The Trust allows distributions in the Trustee's "sole and absolute discretion." The Court may require clarification between <i>disbursements</i> for special needs, which may be made in the Trustee's good faith discretion without court approval, and <i>distributions</i> , which may require court approval.  (This language would ensure that certain items purchased, such as equipment or a vehicle, would be assets of the trust, rather than "distributions.")  3. Petitioner requests accountings be required every two years after the first account; however, the Court may require language per Probate Code §2620(a): "unless otherwise ordered by the Court to be more frequent."  4. Need revised order per #2 above and Local Rule 7.6.1. (The trust document should be attached and the signature line should appear last.)
<b>DOB: 4-8-1991</b>			
<b>Cont. from 092911, 102711, 120811, 020912</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
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<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W		
<input type="checkbox"/>	<b>Aff.Pub.</b>	<b>Petitioner prays for the following findings and order:</b>  1. That all notices have been given as required by law;  2. That the Court establish the Special Needs Trust, the Petitioner is directed to execute it, and the court has continuing jurisdiction over the Special Needs Trust;  3. That Clara Soto shall serve as initial Trustee without bond, or bond of \$40,000.00;  4. That Petitioner has a disability that substantially impairs his ability to provide for his own care or custody, and constitutes a substantial handicap;  5. That Petitioner is likely to have special needs that will not be met without the trust;  6. That money paid to the trust does not exceed the amount that appears reasonably necessary to meet Petitioner's special needs;  7. That payment of all monies due plaintiff in the lawsuit referenced above shall be paid to the Trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien;  8. That any proceeds of the settlement received by plaintiff's attorney before the hearing of this petition and deposited into attorney's attorney/client trust account shall not be considered received by Jesus Soto for public benefit eligibility purposes;  9. That the assets of the trust are unavailable to the beneficiary and shall not constitute a resource for eligibility purposes for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;  10. That the Trustee provided the Court with a biennial account and report beginning one year after the date the Court approves the establishment of the trust and every two years thereafter; and  11. Such other and further orders as the Court may deem just and proper.	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
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<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Report of Executor on Waiver of Account and Petition for allowance of  
Compensation to Attorneys for Ordinary Services and for Final Distribution

DOD: 8/9/2011		<b>CHARLENE MARIE MOISTNER,</b> Executor, is petitioner.  Accounting is waived.  I & A - <b>\$707,097.43</b>  Executor - <b>waives</b>  Attorney - <b>\$17,141.94</b> (statutory)  <b>Distribution, pursuant to Decedent's Will, is to:</b>  Charlene Marie Moistner – two parcels of real property and \$19,582.79	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
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<input checked="" type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
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<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 4/5/12
Updates:
Recommendation: SUBMITTED
File 8 - Caudle

DOD: 3/1/2009		<b>JENNIFER HUGHES and ELIZABETH CORDERO</b> are petitioners.  No other proceedings  Will dated 12/17/1982 confirms Dewey E. Johnson's ½ community property interest to him and devises the decedent's ½ community property interest into a testamentary trust. (Please see note #3.)  <b>Petitioner requests</b> court confirmation that ½ interest in real properties, investment accounts, bank accounts, 2006 Lexus, personal property and furniture and furnishings belongs to him and that ½ interest passes to him.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <i>Continued from 2/28/12. As of 4/5/12 the following issues remain:</i>  1. #2b of the petition indicates the petitioners are the personal representatives of surviving spouse, Dewey E. Johnson. Need Letters showing appointment of Petitioners as personal representatives of Dewey E. Johnson. <u>Note:</u> Petitioners state they are the Trustees of the Dewey E. Johnson Living Trust, dated April 15, 2011. It appears that based on Probate Code §13650 Petitioners do not have standing to bring this petition until they have been appointed as Dewey E. Johnson's personal representative.  2. Supplement to the Petition (this is actually an amended petition) was signed and verified by the attorney and not by the petitioners. Probate Code §1023 states an attorney cannot sign or verify for a fiduciary.  3. Will of Joan Helen Johnson dated 12/17/1982 that is attached to the supplement to the petition devises her interest in the community property into a testamentary trust and <u>not</u> to her surviving spouse.	
Cont. from 022812				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			N/A
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: KT Reviewed on: 4/5/12 Updates: Recommendation: File 9 – Johnson				



**Amended Spousal or Domestic Partner Property Petition (Prob. C. 13650)**

<b>DOD: 12/21/11</b>			<b>BARBARA F. THOMAS</b> , surviving spouse, is Petitioner.  No other proceedings.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Will is not self-proving. Need Affidavit of Subscribing Witness. 2. Petition is not marked at item 5(a)(2) regarding issue of a predeceased child. 3. Decedent's will devises the real property seeking to be passed with this Petition (2910 N. Van Ness, Fresno, CA) to his offspring in equal shares. Therefore it appears that his ½ community property interest in the Van Ness property would pass to his offspring and not to Petitioner. Court may require more information.  <u><b>Note to Judge:</b></u> The Examiner has retained the Order in this matter due to the above.																																																																						
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				<b>Reviewed by:</b> JF <b>Reviewed on:</b> 04/05/12 <b>Updates:</b> <b>Recommendation:</b> <b>File 10B - Thomas</b>																																																																						

**Spousal or Domestic Partner Property Petition (Prob. C. 13650)**

<b>DOD: 11/09/99</b>		<b>JUDITH BURNSIDE FEGETTE,</b> surviving spouse, is Petitioner.  No other proceedings.  Decedent died intestate.  Petitioner states that she and the decedent were married on 12/27/68 and the property seeking to be passed with this Petition was acquired during their marriage. All taxes, insurance and maintenance of the property were paid by the decedent and petitioner during their marriage. Decedent was an only child and both of his parents are deceased.  Petitioner requests court confirmation that decedent's interest in real property located at 317 N. 2 <sup>nd</sup> Street, Fowler, CA passes to her pursuant to intestate succession.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition states that the decedent died on 11/09/99, but the Order states that decedent died on 11/09/11. Need revised Order or Petition.
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
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<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
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<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 04/05/12 <b>Updates:</b> <b>Recommendation:</b> <b>File 11 - Burnside</b>	



DOD: 11/21/10			<b>MARK LEHR</b> , son/named Executor without bond, is Petitioner.  Full IAEA – <b>NEED</b>  Will dated 01/30/04  Residence: Fresno Publication: <b>NEED</b>  <u><b>Estimated Value of the Estate:</b></u> Personal property - \$110,000.00 Annual income - 7,200.00 Real property - 150,000.00 <b>Total - \$267,200.00</b>  Probate Referee: <b>STEVEN DIEBERT</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED FROM 02/22/12</b></u> As of 04/05/12, the following issues remain:  <ol style="list-style-type: none"> <li>1. Need Affidavit of Publication.</li> <li>2. Petition is not marked at item 5(a)(7 or 8) regarding issue of a predeceased child.</li> <li>3. Petition is not marked at item 5(b) regarding stepchild or foster child.</li> <li>4. Need Order and Letters.</li> </ol>
Cont. from 022212				
S/P	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.	X		
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters	X		
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: JF
Reviewed on: 04/05/12
Updates:
Recommendation:
File 16 - Lehr